

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

August 5, 1999

DIVISION ONE

B126509 Dent Wizard International Corporation (Not for Publication)
 v.
 Norman C. Brown et al.

The appeal is dismissed.

Masterson, J.

We concur: Ortega, Acting P.J.
 Vogel (Miriam A.), J.

B120873 Salvatore Lombardo (Not for Publication)
 v.
 Bradley H. Gibbons et al.

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.
 Vogel (Miriam A.), J.

B119288 June Dawson (Not for Publication)
 v.
 Brink's Incorporated

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.
 Ortega, J.

DIVISION ONE (Continued)

B120850 Hassan Saleh Johar (Not for Publication)
v.
Clarendon National Insurance Company et al.

With respect to defendant Clarendon National Insurance Company, the judgment is reversed. In all other respects, the judgment is affirmed. Plaintiff to recover costs on appeal.

Masterson, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

DIVISION THREE

B122476 People (Not for Publication)
v.
Berry

The judgment is affirmed. The abstract of judgment shall be modified to reflect a restitution fine in the amount of \$10,000 pursuant to section 1202.4, subdivision (b), and a parole revocation fine in the amount of \$10,000 pursuant to section 1202.45. The clerk of the superior court is ordered to prepare a corrected abstract of judgment to be forwarded to the Department of Corrections.

Klein, P.J.

We concur: Kitching, J.
Aldrich, J.

DIVISION THREE (Continued)

B117999 Palm Leasing Co. (Not for Publication)
v.
Commercial Waste Paper Co., Inc. and John Macardican

The trial court's order of October 31, 1997, is reversed as to (1) the order granting Commercial Waste's motion to tax and (2) the order granting a credit to Commercial Waste of \$50,000. The order is otherwise affirmed. The matter is remanded with directions to the trial court to reconsider Palm Leasing's motion to substantiate the amount due under its judgment after giving due regard to the new circumstances which will exist when the impact of this decision are taken into account. Such substantiation should be made as of September 5, 1997, giving full consideration to Palm Leasing's 1997 cost bill. Such substantiation shall be without prejudice to such additional costs which may be added to the judgment by allowed costs claimed by Palm Leasing after September 5, 1997. Palm Leasing shall recover its costs on appeal.

Croskey, J.

We concur: Klein, P.J.
 Kitching, J.

B123436 Estate of Dagny L. Morsaint (Not for Publication)
v.
Helen Colombo

The order is affirmed. Eugene shall recover his costs on appeal.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION THREE (Continued)

B122197 People (Not for Publication)
v.
Bustamante

The judgment is modified by imposing a \$1,000 restitution fine pursuant to Penal Code section 1202.45, and by imposing a \$50 laboratory analysis fee (Health & Saf. Code, 11372.5, subd. (a)), and \$35 (Gov. Code, 76000, subd. (a)); as modified, the judgment is affirmed. The trial court is directed to forward to the Department of Corrections an amended abstract of judgment reflecting the above modifications and that the trial court imposed a \$1,000 restitution fine pursuant to Penal Code section 1202.4, subdivision (b).

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B125842 People (Not for Publication)
v.
Tate

The judgment is modified by imposing a \$5,000 restitution fine pursuant to Penal Code section 1202.45 and, as modified, is affirmed. The trial court is directed to forward to the Department of Corrections an amended abstract of judgment reflecting the above.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

August 5, 1999-Continued

DIVISION THREE (Continued)

B123072 People v. Buckner (Not for Publication)

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B125073 People (Not for Publication)
v.
Erick V.

The order under review is affirmed.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION FOUR

[illegible]

The judgment is affirmed. Defendants to have their costs on appeal.

Epstein, Acting P.J.

We concur: Curry, J.
Kuhl, J. (Assigned)

DIVISION FOUR (Continued)

B122961 Estate of Assunta Montalti, Deceased. (Not for Publication)
 Catanzariti et al.
 v.
 Scutaro

The order granting sanctions is reversed and the case is remanded to the trial court for determination of respondent's costs at trial. Appellants are to have their costs on appeal.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Kuhl, J. (Assigned)

B118055 Ernsdorf (Not for Publication)
v.
County of Los Angeles et al.

The judgment is reversed, and the trial court is directed to enter an order granting summary adjudication in favor of respondents Scott Hubbell and Scott Hubbell Productions on the fourth cause of action for invasion of privacy, and in all other respects denying the summary judgment motions of the parties. Appellant is to have his costs on appeal.

Epstein, Acting P.J.

We concur: Curry, J.
Kuhl, J. (Assigned)

B120266 Ziman et al. (Certified for Publication)
v.
Fireman's Fund Insurance Company

The judgment is affirmed. Respondent to have its costs on appeal.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

August 5, 1999-Continued

DIVISION FOUR (Continued)

B126203 Batts et al. (Not for Publication)
v.
Clinton et al.

The decision of the court below is affirmed. Respondents shall recover their costs on appeal.

Kuhl, J. (Assigned)

We concur: Vogel (C.S.), P.J.
Curry, J.

B124370 Signal Treating Service, Inc. (Not for Publication)
v.
Lonrho, PLC.

The trial court's order granting Lonrho's motion to quash is reversed and the matter is remanded for further proceedings with Lonrho as a party to the litigation. Signal is to recover its costs on appeal.

Kuhl, J. (Assigned)

We concur: Vogel (C.S.), P.J.
Curry, J.

B122085 Imperial Bank (Not for Publication)
v.
Myers

The trial court's order of February 19, 1998, is affirmed. The receiver is to recover his costs on appeal.

Kuhl, J. (Assigned)

We concur: Hastings, Acting P.J.
 Curry, J.

August 5, 1999-Continued

DIVISION FOUR (Continued)

B123517 People (Not for Publication)
v.
Mitchell

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION FIVE

B125231 Robert Bradley (Not for Publication)
v.
Worthington Ford, Inc., et al.

The judgments are affirmed. Respondents to recover their costs on appeal.

Godoy Perez, J.

We concur: Turner, P.J.
 Grignon, J.

B130679 Maria G. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services, r.p.i.)

Based on the record before us, we affirm the order terminating parental rights. The Petition for Extraordinary Writ is denied.

Godoy Perez, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION FIVE (Continued)

B121774 Scoey Mitchell (Not for Publication)
 v.
 Lanark Properties, Ltd et al.

The fee order is vacated and a new and different order shall issue awarding appellant \$125,366.05 in attorney's fees and \$6,052.52 in costs against respondents Lanark Properties Ltd., and Alpha International, Inc. (Corp. Code, § 15015 [partners jointly liable for partnership debts].) Appellant to recover his costs on appeal.

Godoy Perez, J.

We concur: Turner, P.J.
 Armstrong, J.

B125363 People (Not for Publication)
 v.
 Ling Nick Ly

The Penal Code section 12022.5 subdivision (a)(1) firearm use finding as to count 4 of the third amended information is reversed and is to be dismissed. The judgment of conviction is affirmed in all other respects. The cause is remanded for resentencing. Upon issuance of the remittitur, the clerk of the Court of Appeal is to notify the State Bar of California that a portion of the judgment was reversed as a result of ineffective assistance of counsel as required by Business and Professions Code section 6086.7, subdivision (b), along with the name of the attorney.

Turner, P.J.

We concur: Grignon, J.
 Godoy Perez, J.

DIVISION FIVE (Continued)

B126722 People (Not for Publication)
v.
Jerry Lee Mosley

On remand, the clerk of the superior court shall prepare and deliver to the Department of Corrections an amended abstract of judgment that sets forth the restitution fines imposed under sections 1202.4, subdivision (b) and 1202.45. In all other respects, the judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
Godoy Perez, J.

B131336 In re Roleah C. (Not for Publication)
Roosevelt C. Jr.
v.
Superior Court, Los Angeles County

The petition for a writ of mandate is denied.

Turner, P.J.

We concur: Grignon, J.
Godoy Perez, J.

B117798 Robert Garland (Not for Publication)
v.
Timothy Meyer

The judgment is reversed. The matter is remanded for a new trial as to damages and collectibility. The parties are to bear their own costs on appeal.

Grignon, Acting P.J.

I concur: Godoy Perez, J.
I dissent: Turner, P.J. (Opinion)

DIVISION FIVE (Continued)

B125772 The Movie Group, Inc. et al. (Not for Publication)
 v.
 SGE Entertainment

The judgment is affirmed. Toron is to pay SGE's costs on appeal.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

B121541 Karl E. Epstein et al. (Not for Publication)
 v.
 Susan Sarraill

The order of dismissal is reversed. The case is remanded to the trial court for further proceedings consistent with this opinion. Respondent is to bear appellants' costs on appeal.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B122707 Jerry M. Mullen (Not for Publication)
 v.
 Dorothy Lee Allen

The orders sustaining Allen's demurrers to the second amended complain and dismissing that complaint are affirmed solely as to the second cause of action for intentional infliction of emotional distress. Those orders are reversed as to the first cause of action libel. Appellant to recover his costs on appeal.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
 Armstrong, J.

DIVISION FIVE (Continued)

B120369 Gemini Aluminum Corporation (Not for Publication)
 v.
 Wallboard Tool Co., Inc.

The judgment is affirmed. Each party is to bear its own costs on appeal.

Armstrong, J.

We concur: Turner, P.J.
 Godoy Perez, J.

B122545 Albert Elvin et al. (Not for Publication)
 v.
 Atchison, Topeka & Santa Fe Railroad Co., Inc.

The judgment is reversed. The trial court is directed to vacate the order sustaining defendants' demurrer and to enter a new order overruling the demurrer.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B120425 Suzanne Carol Reaver (Not for Publication)
 v.
 Stuart E. Johnson

The order of the trial court is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
 Godoy Perez, J.

DIVISION FIVE (Continued)

B118176 Jonathan Vos Post

v.

Palo/Haklar & Associates et al.

Filed order modifying opinion. (Change in judgment)

B120806 Far East National Bank

v.

Cayman Investment Corp. et al.

Filed order denying petition for rehearing.

DIVISION SEVEN

Court convened at 9:00 A.M.

Present: Lillie, P.J., Johnson, J., Woods, J., Neal, J., Chavez, J. (Assigned), and Emma Jean Amos, Deputy Clerk.

Each of the following:

B110929 People v. Gonzalez & Montes

B120408 People v. Steele

B120712 People v. Flores

B120751 People v. Mitchell

B121672 People v. Antonie

B121808 People v. Barbosa

B122393 People v. Carter

B123865 People v. Stephens

B123932 People v. DeFrancis

B124057 People v. English

B124440 People v. Jones

B124549 People v. Richardson

B124857 People v. Mercer

B125106 People v. Casteen & Krase

B125595 People v. Davis

B126158 People v. Jones

B126343 People v. Secudino

DIVISION SEVEN (Continued)

Each of the following (cont.):

B126562 People v. Carlos V.
B126639 People v. Flores
B126993 People v. Walker
B127035 People v. Pickering
B127514 People v. Carl Frank A.
B127752 People v. Morgan
B128094 People v. Richard B.
B128608 D.C.F.S. v. Alta H.
B131150 Michael B. v. S.C.L.A.
B131963 Lilliana M. v. S.C.L.A.

Argument waived, cause submitted.

B123481 People
 v.
 Iraheta

Merits:

Argued by Richard Power for appellant and by Ana R. Duarte, deputy attorney general, for respondent. Cause submitted.

B123960 People
 v.
 Hamilton

Merits:

Argued by Kenneth C. Byrne, deputy attorney general, for respondent and no appearance by counsel for appellant. Cause submitted.

B116187 People
 v.
 Young & Miles

Merits:

Argued by Thomas T. Ono for appellant Young, by Neoma Kenwood for appellant Miles and by April Sylvester, deputy attorney general, for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B112527 Smith
 v.
 Walder

Merits:
Argued by Stanley P. Lieber for appellant and no appearance by counsel for respondent. Cause submitted.

B122613 Coimbra
 v.
 Rosenthal

Appellant waived oral argument and respondent failed to appear for oral argument. Cause submitted.

B122655 Kupetz
 v.
 Phillips College of Los Angeles

Merits:
Argued by Stephen Seto for appellant and by David Simpson for respondent. Cause submitted.

B117299 Bither
 v.
 Edner

Merits:
Argued by Don H. Haycock for appellant and by John C. Taylor for respondent. Cause submitted.

B123409 Jamgotchian et al.
 v.
 City of Hawthorne

Oral argument waived, caused submitted.

DIVISION SEVEN (Continued)

B128414 Ring Trading Corporation

v.

City of Santa Monica

Mountain View Mobile Inn Residents Assoc.

Merits:

Argued by Barbara J. Peters for appellant and by Cara E. Silver, deputy city attorney, for respondent. Cause submitted.

B114629 Aller

v.

Regents of the University of California

Merits:

Argued by Michael L. Goldberg for appellant and by Martin Stein for respondent. Cause submitted.

B123018 People

v.

Makimoto

Oral argument continued to September 9, 1999, at 9:00 a.m.

B132108 Graham

v.

S.C.L.A.

(Equifax Services, r.p.i.)

Merits:

Argued by Jenny Scovis for petitioner and by Jeffrey A. Kent for real party in interest. Cause submitted.

DIVISION SEVEN (Continued)

B130842 Bolkiah et al.
 v.
 S.C.L.A.
 (Bijan Fragrances, r.p.i.)

Merits:

Argued by David E. R. Wooley for petitioner and by Laurence J. Hutt for
real party in interest. Cause submitted.

The Court recessed at 12:15 P.M.

The Court reconvened at 2:00 P.M.

Present: Lillie, P.J., Johnson, J., Woods, J., Neal, J., Chavez, J. (Assigned), and Emma
Jean Amos, Deputy Clerk.

Each of the following:

B122225 Knipe v. Washington Square Capital et al.
B127217 Harris v. Los Angeles Dept. of Public Social Services

Argument waived, cause submitted.

B122381 Kozin
 v.
 Kozin

Merits:

Argued by Gordon Yanz for appellant and by Nancy K. Ruffolo, deputy
district attorney, for respondent. Cause submitted.

B127996 Adbox, Inc.
 v.
 Metcalf et al.

Merits:

Argued by James A. Shalvoy for appellants and by Samuel Edgerton for
respondents. Cause submitted.

DIVISION SEVEN (Continued)

B124595 Michelson
 v.
 Quinn

Merits:
Argued by Evan Marshall for appellant and by Joel F. Tamraz for
respondent. Cause submitted.

B123957 Darling
 v.
 Kritt

Merits:
Argued by Ronald P. Kaplan for appellant and by B. Casey Yim and John
Flowers for respondent. Cause submitted.

Court adjourned at 3:08 p.m.